

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In the matter of:

In Bankruptcy

**BRIAN AND LINDA MCGIBNEY,**

Chapter 7

Case no. 13-60805-mbm

Hon. Marci B. McIvor

Debtors.

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**TRUSTEE'S MOTION FOR RECONSIDERATION  
OF ORDER GRANTING FEE WAIVER**

The chapter 7 trustee, Timothy J. Miller, states:

1. The Debtors filed an application for waiver of the filing fee. An order granting the application was entered November 15, 2013.
2. The Debtors' section 341 meeting was held on December 18, 2013.
3. The Debtors stipulated at the section 341 meeting that based on the expected 2013 tax refunds (\$1,250.00) that they could pay the filing fee. Despite the stipulation on the record, as of this writing, Debtors' counsel did not give permission to sign and file a stipulation that was presented to him on 12-19-13.
4. Honorable Thomas J. Tucker ruled in another matter that the entitlement to tax refunds obviates the need for a fee waiver.
6. In its administrative announcement of August 12, 2013, the court stated:

*If the Court grants an application to waive the filing fee, but the Chapter 7 Trustee believes that there are grounds for the Court to reconsider its decision, the Trustee must file a motion for reconsideration. The Trustee must serve the motion upon the debtor, but need not send a notice and opportunity to be heard, nor follow any of the other requirements of L.B.R. 9014-1. The Court will promptly schedule a hearing on the motion and provide notice of the hearing to the Trustee and the debtor. The Trustee will not be required to attend the hearing, but may choose to appear in person or by telephone. Again, appearances by telephone must be arranged with the chambers of the bankruptcy judge assigned to the case, but the Court will not require the Trustee to use Court Call for the appearance.*

*Dated: August 12, 2013*

WHEREFORE, the Trustee prays that the order granting fee waiver application be set aside.

Dated: December 23, 2013

/s/ Timothy J. Miller, trustee  
Timothy J. Miller (P 36951)  
64541 Van Dyke, Suite 101-B  
Washington Township, MI 48095  
(586) 281-3764  
tmiller@schneidermiller.com

I electronically filed the foregoing Paper(s) with the Clerk of the Court using the ECF system which will send notification of such filing to the Office of the United States Trustee and all those listed by the court as receiving electronic notices in this case from the court's CM/ECF system.

I served this Motion on the Debtor by USPS first class regular mail at the Debtors' address shown in the bankruptcy petition.

Dated: December 23, 2013

/s/ Timothy J. Miller, trustee  
Timothy J. Miller (P 36951)  
64541 Van Dyke, Suite 101-B  
Washington Township, MI 48095  
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